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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------------|------------------|
| 10/071,936 | 02/07/2002 | Terry Robert Ecklund | 11400/182 | 9850 |
| 33391 7590 12/28/2006 BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204 | | | EXAMINER BILGRAMI, ASGHAR H | |
| | | | ART UNIT 2143 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | | MAIL DATE | DELIVERY MODE |
| 3 MONTHS | | | 12/28/2006 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/071,936

Applicant(s)

ECKLUND ET AL.

Examiner

Asghar Bilgrami

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,10-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,10-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The newly amended claim limitation states "wherein said proxy server is configured to divide said merk-up language file into a first viewable segment and a second viewable segment, said first viewable segment and said second viewable segment each being sized to fit within a display of said wireless communication device so that a whole of each of the said first viewable segment or second viewable segment is viewable at the same time in the said display."

Applicant's specification does not disclose first or second viewable segments being viewable in the said display at the same time.

On the contrary page 10 lines 13 & 14 of applicant's specification states that "the proxy server 16 divides the markup language file into viewable segments for transmission to the wireless communication device 12 one viewable segment at a time".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 10-12, 14-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ollikainen (U.S. Pub No. 2003/0074475A1) and Ndili (U.S. Pub No. 2002/0161928 A1).

5. As per claims 1, 6, 11, 15-17 Ollikainen disclosed a wireless communication system comprising: a remote server including a mark-up language file; a proxy server configured to communicate with said remote server, wherein said proxy server is programmed to receive a request transmittable from a wireless communication device, wherein said wireless communications device comprises a display screen, said display screen comprising a viewable area, wherein said request is to retrieve said mark-up language file said request being in a first format that is converted into a second format by said proxy server (paragraphs. 26, 46 & 47), said second format being used to retrieve said mark-up language file from said remote server. However Ollikainen did not explicitly disclose wherein said proxy server is configured to divide said mark-up language file into a plurality of viewable segments including a first viewable segment and a second viewable segment, said first viewable segment and said second viewable

segment each being sized less than a display buffer and sized to fit within said viewable area of said display screen of said wireless communication device so that a whole of any one of said viewable segments and a navigation aid are viewable at the same time in said viewable area of said display screen (paragraphs 47-49), wherein said proxy server is configured to transmit said first first-viewable segment and said navigational aid in response to said request, said navigation aid being selectable with said wireless communication device to request said second viewable segment and wherein said Proxy server transmits said second viewable segment upon receipt of a selection of said navigation aid by said wireless communication device. In the same field of endeavor Ndili disclosed wherein said proxy server is configured to divide said mark-up language file into a plurality of viewable segments including a first viewable segment and a second viewable segment, said first viewable segment and said second viewable segment each being sized less than a display buffer and sized to fit within said viewable area of said display screen of said wireless communication device so that a whole of any one of said viewable segments and a navigation aid are viewable at the same time in said viewable area of said display screen (page.3, paragraphs 47-51), wherein said proxy server is configured to transmit said first first-viewable segment and said navigational aid in response to said request, said navigation aid being selectable with said wireless communication device to request said second viewable segment and wherein said Proxy server transmits said second viewable segment upon receipt of a selection of said navigation aid by said wireless communication device (page.5, paragraphs 78 through 81 & page6, paragraphs 82 through 84).

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It would have been obvious to one in the ordinary skill in the art at the time the invention was made to have incorporated the segmentation of the received mark-up language file as disclosed by Ndili in a wireless communication system in order to make the internet browsing more efficient for the user resulting in smooth reception and reliable availability of mark-up language data.

6. As per claims 4, 10 & 12 Ollikainen - Ndili disclosed the wireless communication system of claim 1, wherein said proxy server converts said viewable segments into a format compatible with said wireless communication device (Ndili, page.5, paragraphs 78 through 81 & page6, paragraphs 82 through 84).

7. As per claim 18 Ollikainen - Ndili disclosed the computer network of claim 17, wherein buffer is determined by querying said wireless communication device, and wherein said size of said viewable area of said display screen is determined by querying said wireless communication device (Ndili, page.5, paragraphs 78 through 81 & page6, paragraphs 82 through 84).

8. As per claim 14 Ollikainen - Ndili disclosed the wireless communication system of claim, wherein said navigation aid is selectable by said wireless communication device using a user input device selected from a group consisting of a touch screen, a keyboard and a cursor key (paragraphs 49 & 76).

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9. As per claims 19-24 Ollikainen – Ndili disclosed the wireless communication system of claim 15, wherein the whole of one of said first viewable segment or second viewable segment (Page 5. paragraphs 78-81) and least one if said first navigation aid and or said second navigation aid are viewable at the same time in said display (Page 3. paragraphs. 47 –50).

Response to Arguments

10. Applicant's arguments filed November, 15, 2006 have been fully considered but they are not persuasive.

11. Applicant argued that neither Ollikainen nor Ndili disclose the newly amended limitations.

12. As to applicant's arguments when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a

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particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977). Examiner has mapped the pertinent sections of Ollikainen and Ndili that disclose the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3924. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AB



JEFFREY PWU
PATENT EXAMINER